

Message Text

UNCLASSIFIED

PAGE 01 MOSCOW 12141 071755Z

73-60

ACTION EUR-25

INFO OCT-01 EA-11 ISO-00 DLOS-07 IO-14 CIAE-00 DODE-00

PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 COME-00 DOTE-00 EB-11

FMC-04 CG-00 COA-02 SWF-02 SAJ-01 DRC-01 /154 W

----- 125474

R 071601Z AUG 74

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 1471

INFO AMEMBASSY ATHENS

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY TOKYO

UNCLAS MOSCOW 12141

E.O. 11652: N/A

TAGS: PLOS, IMCO, UR

SUBJ: SOVIET DRAFT OF INTERNATIONAL CONVENTION
ON REGIME OF MARINE VESSELS IN FOREIGN PORTS

1. USA DIVISION ACTING DIRECTOR KOMPLEKTOV, ASSISTED BY V.S. KOTLYAR OF TREATY AND LEGAL DIVISION, CONVEYED TO DCM AUGUST 6 AN ORAL STATEMENT REQUESTING U.S. SUPPORT RELATING TO A SOVIET INITIATIVE ON AN INTERNATIONAL CONVENTION ON THE REGIME OF MARINE VESSELS IN FOREIGN PORTS. FOLLOWING THE ORAL PRESENTATION, KOMPLEKTOV HANDED DCM COPY OF RUSSIAN AND ENGLISH TEXTS OF A DRAFT CONVENTION ON THIS SUBJECT. (THESE TEXTS, ALONG WITH THE RUSSIAN ORIGINAL OF THE TEXT OF THE ORAL STATEMENT, ARE BEING SENT TO DEPT, EUR/SOV, FOR APPROPRIATE DISTRIBUTION AND ACTION.)

2. KOMPLEKTOV COMMENTED THAT THE SUBJECT OF THE DRAFT INTERNATIONAL CONVENTION WAS NOT BEING RAISED BECAUSE OF ANY BILATERAL PROBLEMS IN THIS AREA. THE SOVIET
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MOSCOW 12141 071755Z

GOVERNMENT ASSUMES THE USG IS ALSO INTERESTED IN FURTHER

DEVELOPING NORMS WHICH WOULD APPLY TO SHIPS IN FOREIGN PORTS. THE DRAFT CONVENTION IS ALSO BEING CONVEYED TO THE USG IN VIEW OF ITS MEMBERSHIP ON THE IMCO COUNCIL. KOTLYAR ADDED THAT THIS SUBJECT HAD BEEN DISCUSSED ON AN INFORMAL BASIS WITH THE U.S. SIDE DURING THE LAST SESSION OF THE IMCO COUNCIL. AT THAT TIME, HOWEVER, THE SOVIET DELEGATION WAS UNABLE TO GO INTO ANY DETAILS ON THE DRAFT CONVENTION. IN RESPONSE TO A QUERY BY THE DCM, KOMPLEKTOV NOTED THAT SIMILAR APPROACHES WERE BEING MADE TO THE GOVERNMENTS OF GREECE, JAPAN, THE U.S., AUSTRALIA AND OTHERS. DCM SAID HE WOULD CONVEY TEXT OF ORAL STATEMENT ALONG WITH TEXT OF DRAFT CONVENTION TO APPROPRIATE AUTHORITIES IN WASHINGTON.

3. FOLLOWING IS UNOFFICIAL EMBASSY TRANSLATION OF TEXT OF KOMPLEKTOV ORAL STATEMENTC

BEGIN TEXT:

I AM EMPOWERED TO STATE THAT IN THE NEAR FUTURE THE GOVERNMENT OF THE USSR, PROCEEDING FROM THE INTERESTS OF FURTHER DEVELOPMENT OF INTERNATIONAL NAVIGATION AND TRADE RELATIONS BETWEEN STATES, INTENDS TO INTRODUCE FOR REVIEW BY THE 33D SESSION OF THE COUNCIL OF THE INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO) A PROPOSAL FOR THE DRAFTING AND SUBSEQUENT ADOPTION OF AN INTERNATIONAL CONVENTION ON THE TREATMENT OF SEAGOING VESSELS IN FOREIGN PORTS.

IN MAKING THIS INITIATIVE, THE SOVIET SIDE CONSIDERS THAT IMPLEMENTATION OF INTERNATIONAL MARINE NAVIGATION IS INEXTRICABLY CONNECTED WITH THE ENTRY AND STAY OF MARINE VESSELS IN FOREIGN PORTS. THE CONDITIONS OF THIS STAY AFFECT QUITE SUBSTANTIALLY THE GENERAL DEVELOPMENT OF INTERNATIONAL NAVIGATION.

AS A RESULT OF ONE OF THE BASIC PRINCIPLES OF INTERNATIONAL LAW -- THE PRINCIPLE OF RESPECT FOR THE SOVEREIGNTY OF A STATE -- A VESSEL IN A FOREIGN PORT IS SUBORDINATE TO THE LAWS AND REGULATIONS OF THE LITTORAL

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 MOSCOW 12141 071755Z

STATE AND ITS BORDER, CUSTOMS, AND OTHER APPROPRIATE AUTHORITIES.

AT THE SAME TIME, THE INTERNATIONAL PRACTICE OF STATES IN THE FIELD OF NAVIGATION HAS ESTABLISHED A NORM ACCORDING TO WHICH THE LITTORAL STATE AS A GENERAL RULE DOES NOT INTERVENE IN THE AFFAIRS OF A FOREIGN VESSEL AND DOES NOT TAKE JURISDICTION OVER IT IF THE

ACTIONS COMMITTED BY THE VESSEL OR PERSONS ABOARD THE SHIP DO NOT AFFECT THE INTERESTS OF THIS STATE OR IF THE CAPTAIN OR CONSUL OF THE COUNTRY WHOSE FLAG IS FLOWN BY THE PARTICULAR SHIP DOES NOT REQUEST SUCH INTERVENTION.

IN REGARD TO VESSELS SITUATED IN TERRITORIAL WATERS, THE PRACTICE HAS BEEN STRENGTHENED BY THE GENEVA CONVENTION ON THE TERRITORIAL SEA AND CONTIGUOUS ZONE OF 29 FEBRUARY 1958 (ARTS. 19 AND 20); IN REGARD TO FOREIGN VESSELS FOUND ON INTERNAL NAVIGABLE WATERS, INCLUDING PORT WATERS, CUSTOMARY LAW AND LOCAL LEGISLATION ARE NOW IN EFFECT AS WELL AS THE PROVISIONS OF BILATERAL AGREEMENTS. AT THE SAME TIME, THE ABSENCE OF PRECISE NORMS SUPPORTED BY AN INTERNATIONAL CONVENTION AND REGULATING THE TREATMENT OF OCEAN-GOING VESSELS IN FOREIGN PORTS OFTEN LEADS TO UNJUSTIFIED COMPLICATIONS IN RELATIONS BETWEEN A VESSEL'S CAPTAIN AND LOCAL AUTHORITIES.

THE ABOVE-NOTED CIRCUMSTANCES, AND ALSO THE BROAD DEVELOPMENT WHICH INTERNATIONAL MARINE NAVIGATION HAS UNDERGONE, REQUIRE, IN THE OPINION OF THE USSR GOVERNMENT, THE DRAFTING AND ADOPTION OF A MULTILATERAL CONVENTION WHICH WOULD PERMIT THE REGULARIZATION OF MUTUAL RELATIONS OF SHIP CAPTAINS AND LOCAL AUTHORITIES, PRECISELY REGULATE THE RIGHTS AND DUTIES OF LITTORAL COUNTRIES IN REGARD TO FOREIGN VESSELS IN THEIR PORTS, AND SECURE RESPECT FOR THE VESSEL'S FLAG, HONOR, AND THE DIGNITY OF THE CAPTAIN AND CREW.

DRAFTING AND SUBSEQUENT ADOPTION OF AN INTERNATIONAL CONVENTION ON THE TREATMENT OF VESSELS IN

UNCLASSIFIED

PAGE 04 MOSCOW 12141 071755Z

FOREIGN PORTS WOULD FULLY CORRESPOND TO THE CONDITIONS OF ARTICLE I OF THE IMCO CONVENTION CONCERNING INTERNATIONAL COLLABORATION IN NAVIGATION AND ALSO THE CONDITIONS OF ARTICLE I OF THE CONVENTION ON FACILITATING INTERNATIONAL NAVIGATION OF 1965. REGARDING THE DUTIES OF STATES "TO ADOPT ALL SUITABLE MEASURES FOR FACILITATING AND HASTENING INTERNATIONAL NAVIGATION AND FORESTALLING UNNECESSARY DELAYS OF VESSELS AND THE PERSONS AND PROPERTY ON THEM."

THE ADOPTION OF THE ABOVE CONVENTION WOULD TO A SIGNIFICANT DEGREE NOT ONLY FURTHER THE DEVELOPMENT OF NAVIGATION BUT ALSO THE GREATER BROADENING OF TRADE RELATIONS AMONG PEOPLES AND THE REMOVAL OF CAUSES FOR MISUNDERSTANDING IN RELATIONS BETWEEN THE CAPTAINS OF

FOREIGN VESSELS AND LOCAL PORT AUTHORITIES.

THE DRAFT CONVENTION ON THIS QUESTION, WHICH
HAS BEEN DRAFTED BY COMPETENT SOVIET ORGANIZATIONS AND
WHICH COULD SERVE AS THE BASIS FOR DISCUSSIONS IN IMCO,
IS TRANSMITTED FOR TRANSMITTAL TO THE APPROPRIATE
ORGANIZATIONS OF THE UNITED STATES OF AMERICA.

THE HOPE IS EXPRESSED BY THE SOVIET SIDE THAT THE
INITIATIVE OF THE USSR GOVERNMENT IN THE DRAFTING AND
SUBSEQUENT ADOPTION OF THE ABOVE CONVENTION WITHIN THE
FRAMEWORK OF IMCO WILL BE SUPPORTED BY THE DELEGATION
OF THE UNITED STATES OF AMERICA DURING REVIEW OF IT
WITHIN IMCO.

THE SOVIET SIDE ALSO EXPRESSES READINESS TO CONDUCT
IF NECESSARY IN MOSCOW OR IN WASHINGTON CONSULTATIONS
OF EXPERTS FOR THE EXCHANGE OF OPINIONS ON THE DRAFTING
AND ADOPTION OF THIS CONVENTION AND TO GIVE THE NECES-
SARY EXPLANATIONS CONCERNING THE SOVIET DRAFT CONVENTION.
END TEXT
STOESSEL

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MARITIME LAW, AGREEMENT DRAFT, TEXT, INTERNATIONAL ORGANIZATIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 AUG 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974MOSCOW12141
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740216-0039
From: MOSCOW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740867/aaaacftx.tel
Line Count: 191
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: martinml
Review Comment: n/a
Review Content Flags:
Review Date: 28 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 JUN 2002 by reddocgw>; APPROVED <22 JAN 2003 by martinml>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOVIET DRAFT OF INTERNATIONAL CONVENTION ON REGIME OF MARINE VESSELS IN FOREIGN PORTS
TAGS: PLOS, UR, IMCO
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005